

D+f

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

THE ESTATE OF C. ROBERT ALLEN, III, by its
Executrix, GRACE M. ALLEN,

Plaintiff,

- against -

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3
POINT MEDIA – SALT LAKE CITY, LLC, 3 POINT
MEDIA DELTA, LLC, 3 POINT MEDIA – UTAH, LLC,
3 POINT MEDIA – FRANKLIN, LLC, 3 POINT MEDIA
– PRESCOTT VALLEY, LLC, 3 POINT MEDIA –
COALVILLE, LLC, 3 POINT MEDIA – ARIZONA, LLC,
3 POINT MEDIA – FLORIDA, LLC, 3 POINT MEDIA –
KANSAS, LLC, 3 POINT MEDIA – OGDEN LLC, 3
POINT MEDIA – SAN FRANCISCO, LLC, MIDVALLEY
RADIO PARTNERS, LLC, D&B TOWERS LLC,
SUPERIOR BROADCASTING OF NEVADA, LLC,
SUPERIOR BROADCASTING OF DENVER, LLC,
WACKENBERG ASSOCIATES, LLC, PORTLAND
BROADCASTING LLC, DESERT SKY MEDIA LLC,
SKY MEDIA LLC, DEVINE RACING MANAGEMENT,
LLC, ACB CONSULTING CO., and John Does 1 – 50,

Defendants.

----- X

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3
POINT MEDIA – SALT LAKE CITY, LLC, 3 POINT
MEDIA DELTA, LLC, 3 POINT MEDIA – UTAH, LLC,
3 POINT MEDIA – FRANKLIN, LLC, 3 POINT MEDIA
– PRESCOTT VALLEY, LLC, 3 POINT MEDIA –
COALVILLE, LLC, 3 POINT MEDIA – ARIZONA, LLC,
3 POINT MEDIA – FLORIDA, LLC, 3 POINT MEDIA –
KANSAS, LLC, 3 POINT MEDIA – OGDEN, LLC, 3
POINT MEDIA – SAN FRANCISCO, LLC,
MIDVALLEY RADIO PARTNERS, LLC, D&B
TOWERS, LLC, SUPERIOR BROADCASTING OF
NEVADA, LLC, SUPERIOR BROADCASTING OF
DENVER, LLC, WACKENBERG ASSOCIATES, LLC,

PROPOSED
REVISED
SCHEDULING
ORDER

Docket No.
09-CV-0668
(ADS) (ETB)

269-1

PORTLAND BROADCASTING LLC, DESERT SKY
MEDIA LLC, SKY MEDIA LLC, DEVINE RACING
MANAGEMENT, LLC, ACB CONSULTING CO., and
John Does 1-50,

Third-Party Plaintiffs,

- against -

LUKE ALLEN,

Third-Party Defendant.

----- X

Pursuant to Fed. R. Civ. P. 16(b), and upon application by Plaintiff, the following Proposed Revised Scheduling Order is adopted. This Plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. **Fact Discovery Completion Date:** Except for good cause shown, all fact discovery shall be commenced in time to be completed by *September 17, 2012*.
2. **Expert Discovery Completion Date:** Except for good cause shown, all expert discovery shall be commenced in time to be completed by ~~November 19, 2012~~ *10/22/12*
November 16, 2012
3. **Dispositive Motions:** Any party planning on making a dispositive motion must take the first step in the motion process by ~~December 17, 2012~~ or risk forfeiting the right to make such motion. Parties are directed to consult the District Judge's individual rules regarding such motion practice. *10/22/12 at 10:00 am*
4. **Final Pretrial Conference:** A final pretrial conference before the undersigned will be held by phone on ~~December 21, 2012 at 10:00 a.m.~~ Meaningful settlement discussions will occur at the conference. Clients or other persons with full settlement authority must be available by telephone. Parties are to electronically file a joint pretrial order in compliance with the District Judge's individual rules, signed by counsel for each party, prior to the conference.

This Proposed Scheduling Order may be executed in counterparts.

This Proposed Scheduling Order may be modified by the Court consistent with the initial scheduling order dated December 19, 2011.

Dated: April __, 2012

**CAMPOLO, MIDDLETON
& McCORMICK, LLP**

By: _____
Patrick McCormick
Joseph N. Campolo
Attorneys for Plaintiff
3340 Veterans Memorial Hwy
Suite 400
Bohemia, New York 11716
Tel (631) 738-9100
Fax (631) 738-0659

PECKAR & ABRAMSON

By: _____
Daniel E. Budorick
Attorneys for Defendants
Christopher Devine
Lakeshore Media, LLC
Millcreek Broadcasting LLC
College Creek Media LLC
Marathon Media Group, LLC
3 Point Media – Salt Lake City, LLC
3 Point Media Delta, LLC
3 Point Media – Utah, LLC
3 Point Media – Franklin, LLC
3 Point Media – Prescott Valley, LLC
3 Point Media – Coalville, LLC
3 Point Media – Arizona, LLC
3 Point Media – Florida, LLC
3 Point Media – Kansas, LLC
3 Point Media – Ogden, LLC
3 Point Media – San Francisco, LLC
Midvalley Radio Partners, LLC
Superior Broadcasting of Nevada, LLC
Superior Broadcasting of Denver, LLC
Wackenberg Associates, LLC
Portland Broadcasting LLC
Desert Sky Media LLC
Sky Media LLC
ACB Consulting Co.
208 South LaSalle St., Suite 1356
Chicago, Illinois 60604
Tel (312) 881-6303
Fax (312) 435-2482

ALLYN & FORTUNA

By: _____

Nicholas J. Fortuna
Megan Jeane Muoio
*Attorneys for Defendant and
Third-Party Plaintiff*
D&B Towers LLC
1010 Avenue of the Americas
Third Floor
New York, New York 10018
Tel (212) 213-3318

4/5/12 SO ORDERED: *As modified*

/s/ E. Thomas Boyle, U.S.M.J.